



THE CITY OF NEW YORK
LAW DEPARTMENT

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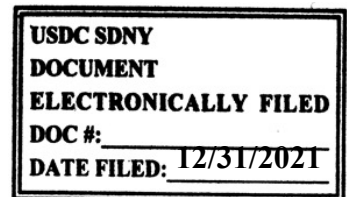
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December 30, 2021

VIA ECF

Honorable Jesse M. Furman
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007



MEMO ENDORSED

Re: Petro Grytsyk v. City of New York, et al.,
19 Civ. 03470 (JMF)

Your Honor:

I am an Assistant Corporation Counsel in the office of Georgia M. Pestana, Corporation Counsel of the City of New York and the attorney assigned to the defense of the above-referenced action. Defendants write to respectfully request an adjournment of the settlement conference presently scheduled to be held telephonically on January 13, 2022 at 11:30 am, to another date and time convenient for the Court. See Civil Docket Sheet Entry No. 120. Plaintiff's counsel, Alan Levine, Esq., consents to this request.

By way of background, plaintiff brings this civil rights action under 42 U.S.C. § 1983 alleging false arrest, malicious prosecution, excessive force, and *Monell* violations. Plaintiff is a street artist and vendor who, since 2010, has sold his artwork in front of 701 Seventh Avenue, between West 47th and West 48th Streets, in Manhattan. Plaintiff maintains that, because he is a First Amendment vendor, he is permitted to sell his artwork at that location and that he is not subject to vending time and place restrictions. (See Complaint, ¶ 57.) The defendants, various members of the New York City Police Department, have issued plaintiff summonses and/or arrested him for violating New York City's time and place vending restrictions as laid out in the City of New York's Administrative Code § 20-465, and maintain that plaintiff is not exempt from the vending restrictions. Defendants further maintain that there was probable cause for the summonses issued and the arrests made.

A pre-settlement telephone conference was held on November 16, 2021. See Civil Docket Sheet Entry No. 118. At the time, defendants were represented by Assistant Corporation Counsel Stephen Suhovsky, who is no longer assigned to this matter. On November 16, 2021, Your Honor scheduled a settlement conference in this matter for January 10, 2022. See Civil Docket Sheet Entry No. 119.

At the outset, the undersigned was only recently assigned to this case upon Mr. Suhovsky's departure from the Special Federal Litigation division. As such, additional time is needed for the undersigned to familiarize herself with the case. In addition, defendants are in the process of attempting to obtain necessary information to determine the parameters of First Amendment Vendor protections. To that end, the undersigned has been conferring with attorneys in this Office's Administrative Law division; however, because of the holidays and vacation schedules, there has been a delay in obtaining the necessary information.

Further, in speaking with plaintiff's counsel, I am informed that he intends to seek leave to file another amended complaint but needs additional time to do so. Defendants have not yet been provided with a copy of the proposed Second Amended Complaint and it is unclear at this time whether motion practice surrounding the proposed pleading will be necessary. In light of these considerations, the parties believe that it is premature at this time to discuss settlement.

Accordingly, for the reasons set forth herein, defendants respectfully request an adjournment of the January 13, 2022 settlement conference to a date and time convenient to the Court. Defendants thank the Court for its time and attention in this matter.

Respectfully submitted,

KellyAnne Holohan /s/
KellyAnne Holohan
Assistant Corporation Counsel
Special Federal Litigation Division

cc: BY ECF
All counsel of record

APPLICATION GRANTED: The settlement conference in this matter scheduled for Thursday, January 13, 2022 at 11:00 a.m. is hereby rescheduled to Monday, March 21, 2022 at 11:00 a.m. in Courtroom 17-D, United States Courthouse, 500 Pearl Street, New York, New York. Parties must attend in person with their counsel. Corporate parties must send the person with decision making authority to settle the matter to the conference. Counsel and parties are required to follow the Court's COVID-safety protocols and should review the Courts website in advance of the conference for the most up to date information. The parties are instructed to complete the Settlement Conference Summary Report and prepare pre-conference submissions in accordance with the Judge Parker's Individual Rules of Practice. Pre-conference submissions must be received by the Court no later than March 14, 2022 by 5:00 p.m.

APPLICATION GRANTED

Katharine H. Parker

Hon. Katharine H. Parker, U.S.M.J.
12/31/2021